

**REPORT OF THE AUDIT OF THE
FAYETTE COUNTY
SHERIFF'S SETTLEMENT - 2005 TAXES**

April 27, 2006



**CRIT LUALLEN
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
FAYETTE COUNTY
SHERIFF'S SETTLEMENT - 2005 TAXES

April 27, 2006

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2005 Taxes for Fayette County Sheriff as of April 27, 2006. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$199,336,952 for the districts for 2005 taxes, retaining commissions of \$4,170,745 to operate the Sheriff's office. The Sheriff distributed taxes of \$194,857,546 to the districts for 2005 Taxes. Refunds of \$5,502 are due to the Sheriff from the taxing districts.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Ernie Fletcher, Governor

John R. Farris, Secretary

Finance and Administration Cabinet

Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government

Honorable Kathy H. Witt, Fayette County Sheriff

Members of the Lexington-Fayette Urban County Government

Independent Auditor's Report

We have audited the Fayette County Sheriff's Settlement - 2005 Taxes as of April 27, 2006. This tax settlement is the responsibility of the Fayette County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Fayette County Sheriff's taxes charged, credited, and paid as of April 27, 2006, in conformity with the modified cash basis of accounting.



To the People of Kentucky
Honorable Ernie Fletcher, Governor
John R. Farris, Secretary
Finance and Administration Cabinet
Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government
Honorable Kathy H. Witt, Fayette County Sheriff
Members of the Lexington-Fayette Urban County Government

In accordance with Government Auditing Standards, we have also issued our report dated November 9, 2006 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Respectfully submitted,

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Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
November 9, 2006

FAYETTE COUNTY
KATHY H. WITT, SHERIFF
SHERIFF'S SETTLEMENT - 2005 TAXES

April 27, 2006

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 14,409,498	\$ 44,722,263	\$ 96,903,875	\$ 23,595,562
Tangible Personal Property	1,428,258	1,396,226	7,691,842	4,531,530
Intangible Personal Property				3,411,744
Increases Through Exonerations	730	890	4,869	1,466
Franchise Taxes	895,413	1,123,342	5,136,370	
Additional Billings	13,312	39,299	89,408	21,881
Limestone, Sand and Mineral Reserves	1,219	3,068	8,200	1,997
Brokers' Accounts				80,276
Penalties	47,634	140,413	316,501	86,432
Adjusted to Sheriff's Receipt	8,642	24,036	140,907	34,104
Gross Chargeable to Sheriff	16,804,706	47,449,537	110,291,972	31,764,992
<u>Credits</u>				
Exonerations	33,884	53,161	203,209	476,857
Discounts	263,521	770,694	1,743,648	522,509
Delinquents:				
Real Estate	5,924	394,171	39,837	9,700
Tangible Personal Property	47,469	43,825	257,965	110,509
Intangible Personal Property				26,127
Revenue Purchased (Tax Sale)	178,323	202,023	1,199,123	292,034
Additional Bills - Uncollected	418	1,409	2,807	684
Uncollected Franchise Taxes	10,935	19,376	64,113	
Total Credits	540,474	1,484,659	3,510,702	1,438,420
Taxes Collected	16,264,232	45,964,878	106,781,270	30,326,572
Less: Commissions *	691,517	1,122,248	1,067,813	1,289,167
Taxes Due	15,572,715	44,842,630	105,713,457	29,037,405
Taxes Paid	15,547,817	44,770,780	105,548,063	28,990,886
Refunds (Current and Prior Years)	25,091	72,517	166,729	49,826
Refunds Due Sheriff		**		
as of Completion of Fieldwork	\$ (193)	\$ (667)	\$ (1,335)	\$ (3,307)

* and ** See Next Page

The accompanying notes are an integral part of this financial statement.

FAYETTE COUNTY
KATHY H. WITT, SHERIFF
SHERIFF'S SETTLEMENT - 2005 TAXES
April 27, 2006
(Continued)

* Commissions:

10% on	\$	10,000	
4.25% on	\$	64,751,337	
1% on	\$	106,781,270	
\$350,000 on	\$	27,794,345	(City Taxes)

** Special Taxing Districts:

Health District	\$	(68)
Extension District		(8)
Soil Conservation District		(1)
Lextran District		(144)
City District		<u>(446)</u>
Refunds Due Sheriff	\$	<u><u>(667)</u></u>

FAYETTE COUNTY
NOTES TO FINANCIAL STATEMENT

April 27, 2006

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

FAYETTE COUNTY
NOTES TO FINANCIAL STATEMENT
April 27, 2006
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 27, 2006, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2005. Property taxes were billed to finance governmental services for the year ended June 30, 2006. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 5, 2005, through April 27, 2006.

Note 4. Interest Income

The Fayette County Sheriff earned \$229,312 as interest income on 2005 taxes. This amount is to be used to operate the Sheriff's office. School tax collections are generally wire transferred to the school board each business day resulting in no allocation of interest earned to the school district.

Note 5. Sheriff's 10% Add-On Fee

The Fayette County Sheriff collected \$480,161 of 10% add-on fees allowed by KRS 134.430(3). This amount is to be used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The Fayette County Sheriff collected \$7,155 of advertising costs allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the Lexington-Fayette Urban County Government as required by statute.

Note 7. Unrefundable Duplicate Payments And Unexplained Receipts Should Be Escrowed

Lexington-Fayette Urban County Government (LFUCG) collected 2004 taxes on behalf of the Sheriff. For the 2004 taxes there was \$11,809 in unrefundable duplicate payments and unexplained receipts. According to KRS 393.110, the Sheriff should properly report annually to the Treasury Department any unclaimed moneys. After three years, if the funds have not been claimed, the funds should be submitted to the Kentucky State Treasurer. Therefore, the Sheriff (or LFUCG on behalf of the Sheriff) should send a written report to the Treasury Department.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government
Honorable Kathy H. Witt, Fayette County Sheriff
Members of the Lexington-Fayette Urban County Government

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Fayette County Sheriff's Settlement - 2005 Taxes as of April 27, 2006, and have issued our report thereon dated November 9, 2006. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fayette County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fayette County Sheriff's Settlement - 2005 Taxes as of April 27, 2006 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended solely for the information and use of management and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

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Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
November 9, 2006

